

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

FRANCISCO E. LOPEZ-NEGRON,

Petitioner,

v.

DAVID ORTIZ,

Respondent.

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Civ. No. 16-9075 (RBK)

MEMORANDUM AND ORDER

Petitioner is a federal prisoner currently incarcerated at F.C.I. Fort Dix in Fort Dix, New Jersey. He is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner has not paid the \$5.00 filing fee. Furthermore, petitioner's application to proceed *in forma pauperis* is incomplete. Local Civil Rule 81.2(b) requires a petitioner seeking *in forma pauperis* status in a habeas action to:

submit an affidavit setting forth information which establishes that the prisoner is unable to pay the fees and costs of the proceedings and shall further submit a certification signed by an authorized officer of the institution certifying (1) the amount presently on deposit in the prisoner's prison account and (2) the greatest amount on deposit in the prisoner's prison account during the six-month period prior to the date of the certification.

L.Civ.R. 81.2(b). Petitioner's *in forma pauperis* application lacks the required certification from the appropriate prison official. Therefore, petitioner's application to proceed *in forma pauperis* will be denied without prejudice. Accordingly, this matter will be administratively terminated. Petitioner shall have the chance to reopen this action if he either pays the \$5.00 filing fee or files a complete application to proceed *in forma pauperis* on the form supplied by the Clerk that accompanies this Order within thirty (30) days.

Therefore, IT IS this 21st day of December, 2016,

ORDERED that petitioner's application to proceed *in forma pauperis* will be denied without prejudice; and it is further

ORDERED that the Clerk shall administratively terminate this case for petitioner's failure to pay the requisite filing fee of \$5.00 or submit a complete application to proceed *in forma pauperis* on the form supplied by the Clerk, and it is further

ORDERED that if petitioner wishes to reopen this action, he shall notify the Court within thirty (30) days of the date of entry of this order, in writing; petitioner's writing shall include either a complete and signed *in forma pauperis* application or the \$5.00 filing fee; and it is further

ORDERED that the Clerk shall serve a copy of this Order and a blank form application to proceed *in forma pauperis* by a prisoner in a habeas corpus case to petitioner by regular U.S. mail.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge